

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	
)	
Public Service Cellular, Inc.)	DA 98-2631
Petition For Limited Waiver of Section)	DA 01-2459
20.18(g) of the Commission's Rules)	

To: The Wireless Telecommunications Bureau

**PETITION OF PUBLIC SERVICE CELLULAR, INC.
FOR LIMITED WAIVER OF SECTION 20.18(g) OF THE COMMISSION'S RULES**

Public Service Cellular, Inc. ("PSC"), by its attorneys and pursuant to Section 20.18(i) of the rules and regulations of the Federal Communications Commission ("FCC" or "Commission"),^{1/} and the Commission's recent public notices in the above-captioned proceeding,^{1/} hereby submits an amendment to its Petition for Waiver in the above-captioned proceeding, and a supplement to its E911 Phase II Report.

In its November 9, 2000 Report, PSC stated its intent to begin selling Automatic Location Identification ("ALI")-capable handsets on October 1, 2001 and to begin providing handset information to public safety answering points ("PSAPs") by December 31, 2001. In a Petition for Limited Waiver of Section 20.18(g) of the Commission's Rules, 47 C.F.R. §20.18(g), filed September 20, 2001 ("*September 20 Petition*"), PSC requested (1) an extension of time up to and including July 31, 2002 in which to begin selling Phase II-compliant handsets and to complete corresponding upgrades to its cellular switch; and (2) approval of the following revised deadlines

^{1/} 47 C.F.R. §20.18(i).

^{2/} "Commission Establishes Schedule for E911 Phase II Requests by Small and Mid-Sized Wireless Carriers, CC Docket No. 94-102," *Public Notice*, FCC 01-302, rel. Oct. 12, 2001; and "Wireless Telecommunications Bureau Provides Guidance on Filings By Small and Mid-Sized Carriers Seeking Relief From Wireless E911 Phase II Automatic Location Identification Rules, CC Docket No. 94-102," *Public Notice*, DA 01-2459, rel. Oct. 19, 2001. ("*October 19 Public Notice*").

for implementing Phase II-compliant handset activations: 25% of new activations by October 31, 2002; 50% of new activations by April 30, 2003, 100% of new activations by December 31, 2003; and 95% of embedded base by December 31, 2005. However, because ALI-capable TDMA/analog handsets are not yet available for large, nationwide carriers, PSC does not expect to be able to obtain ALI-capable handsets in time to meet its originally proposed deadline; PSC does not expect to be capable of selling and activating handsets prior to December 31, 2002. Accordingly, PSC has developed the following revised implementation schedule:

December 31, 2002: begin selling and activating ALI-capable handsets.
March 31, 2003: 25 percent of activated handsets are ALI-capable.
October 31, 2003: 50 percent of activated handsets are ALI-capable.
April 30, 2004: 100 percent of activated handsets are ALI-capable
December 31, 2006: 95 percent penetration of ALI-capable handsets among subscribers.

Further, if such equipment becomes commercially available earlier than expected, PSC will proceed to implement E911 Phase II promptly and will so advise the Commission of its progress related to this matter via its required quarterly report. By the same token, as indicated in its originally-filed petition for waiver, whether and when ALI-capable handsets are available is completely outside of PSC's control. Therefore, if as PSC's revised deadline approaches, Phase II-compliant handsets and necessary upgrades to cellular switching systems are still unavailable commercially, PSC will so advise the Commission.

Additionally, PSC has been unable to receive any estimates for the anticipated cost of the yet- unavailable ALI-capable handsets. The cost of ALI-capable handsets may vary anywhere from \$10.00 to \$200.00 more per telephone than that of currently utilized PSC handsets. This handset cost uncertainty makes it difficult to project whether consumers will be willing to spend extra money to purchase a handset with ALI capability; whether PSC will be able to absorb the cost difference without operating at a loss; and ultimately raises further questions related to PSC's ability to meet the Commission's percentage thresholds for selling and activating ALI-capable handsets. If, once ALI-capable handsets are generally available, and the cost of those handsets becomes known, PSC finds that it is unable to sell ALI-capable handsets in numbers which would meet the required

penetration percentages, it reserves the right to request a further waiver of the Commission's rules at that time.

The foregoing, along with the information contained in the *September 20 Petition* satisfies both the general requirements to waive a Commission rule, as well as the more detailed standards contained in the Commission's E911 *Fourth Memorandum Opinion and Order*,^{1/} and in the *October 19 Public Notice*. Accordingly, there is good cause to grant the limited waiver requested herein.

Respectfully submitted,

PUBLIC SERVICE CELLULAR, INC.

By: /s/ Lisa L. Leibow
Michael K. Kurtis
Lisa L. Leibow

Its Attorneys

Kurtis & Associates, P.C.
1000 Potomac Street, Suite 200
Washington, D.C. 20007
(202) 328-4500

Dated: November 30, 2001

CERTIFICATE OF SERVICE

I, CAROL MINDZAK, a secretary with the law firm of Kurtis & Associates, P.C., do hereby certify that I have this 30th day of November 2001, had copies of the foregoing "PETITION OF PUBLIC SERVICE CELLULAR, INC. FOR LIMITED WAIVER OF SECTION 20.18(g) OF THE COMMISSION'S RULES" sent via first class mail, postage pre-paid to the following:

^{3/} Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442, 17457 (2000) ("*E911 Fourth Memorandum Opinion and Order*").

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street, S.W., Room 8-B201
Washington, D.C. 20554

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W., Room 8-C302
Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, S.W., Room 8-A204
Washington, D.C. 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, D.C. 20554

/s/ Carol Mindzak

CAROL MINDZAK